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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,847	04/25/2001	Robert T. Killian	TI-30845	5838
23494	7590	06/02/2004	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED			VO, LILIAN	
P O BOX 655474, M/S 3999			ART UNIT	
DALLAS, TX 75265			PAPER NUMBER	

2127

DATE MAILED: 06/02/2004

485

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/841,847

Applicant(s)

KILLIAN ET AL.

Examiner

Lilian Vo

Art Unit

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) 3 - 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1 - 7 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1 – 2 are pending. Applicants' attorney has elected claims 1 - 2 without traverse.

#### **Restrictions under 35 U.S.C. 121**

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

**Group I**, drawn to claims 1 – 2, which claim a method for scheduling processes, classified in class 718, subclass 102.

**Group II**, drawn to claims 3 – 4, which claim an object request broker method for a client-server system, classified in class 709, subclass 203.

**Group III**, drawn to claims 5 - 6, which claim a method for resource allocation, classified in class 718, subclass 104.

**Group IV**, drawn to claim 7, which claim a method for data flow in a heterogeneous system via shared memory, classified in class 709, subclass 213.

Inventions I - IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be

Art Unit: 2127

separately usable. In the instant case, invention I has separate utility such as in the system lacking the object request broker method for a client-server system, the resource allocation method and the method for data flow in a heterogeneous system via shared memory. Invention II has a separate utility such as in the system lacking the resource allocation method and the method for data flow in a heterogeneous system via shared memory. Invention III has a separate utility such as in the system lacking the method for data flow in a heterogeneous system via shared memory. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

5. During a telephone conversion with Mr. Carlton Hoel on May 27, 2004, a provisional election was made without traverse to prosecute the invention of Group I, claims 1 - 2. Affirmation of this election must be made by applicants in replying to this Office action.

6. A complete reply to this Office action must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

*Drawings*

7. Figures 24 - 27 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Bandera et al. (US 6,609,149, hereinafter Bandera).

10. Regarding **claim 1**, Bandera discloses a client-server scheduling method (fig. 1, col. 3, lines 1 – 44), comprising:

- a. a first phase of scheduling on a client to set real-time deadlines for tasks for a server coupled to said client (col. 3, line 45 – col. 4, line 11, figs. 2 and 4); and
- b. a second phase of scheduling on said server of subtasks of said tasks, said second phase of scheduling using the real-time deadlines of step (a) (col. 3, line 45 – col. 4, line 11, lines 44 – 67, figs. 3 and 4).

11. Regarding **claim 2**, Bandera discloses the scheduling method of claim 1, wherein:
- a) said tasks include a media stream decoding (abstract, col. 3, lines 1 – 14); and
  - b) said subtasks include a frame decoding for frames of said media stream (col. 3, lines 37 – 45, 55 – 65, col. 4, lines 56 – 67).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 703-305-7864. The examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Application/Control Number: 09/841,847

Page 6

Art Unit: 2127

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lilian Vo  
Examiner  
Art Unit 2127

lv  
May 27, 2004



MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
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